

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

Case No.: 2:10-cr-00456-APG-VCF

4 Plaintiff

Order Granting Certificate of Appealability

5 v.

6 JASON WILEY,

7 Defendant

8
9 The Ninth Circuit has remanded this case “for the limited purpose of issuing an
10 order . . . specifying the issues that meet the required showing for a certificate of appealability.”
11 See June 30, 2022 Order in Ninth Circuit Case No. 22-10146.

12 A certificate of appealability must be

13 based on a substantial showing of the denial of a constitutional right. 28 U.S.C.
14 § 2253(c)(1)(B). The petitioner must demonstrate that reasonable jurists would
15 find the district court’s assessment of the constitutional claims debatable or
16 wrong. To meet this threshold inquiry, the petitioner must demonstrate that the
issues are debatable among jurists of reason; that a court could resolve the issues
in a different manner; or that the questions are adequate to deserve encouragement
to proceed further.

17 *United States v. Givens*, 268 F. Supp. 3d 1108, 1124 (D. Nev. 2017) (simplified). I find that a
18 certificate of appealability should issue on the question whether aiding and abetting Hobbs Act
19 robbery is a qualifying crime of violence for a conviction under 18 U.S.C. § 924(c) in light of
20 recent rulings from the Supreme Court of the United States.

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1 I THEREFORE ISSUE a certificate of appealability on the question whether aiding and
2 abetting Hobbs Act robbery is a qualifying crime of violence for a conviction under 18 U.S.C.
3 § 924(c).

4 DATED: August 2, 2022.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE